

# EXHIBIT I

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IAN J. BROWN, JAMES BROWN and  
BARBARA BROWN  
Plaintiffs  
v.  
UNITED STATES OF AMERICA,  
VERIZON NEW ENGLAND, INC. and  
BOSTON EDISON COMPANY d/b/a  
NSTAR ELECTRIC  
Defendants

## AFFIDAVIT OF RICHARD M. HORAN

My name is Richard M. Horan. The following assertions are based upon my personal knowledge.

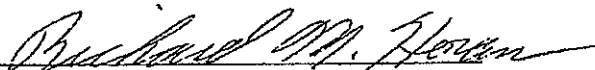
1. Until November 21, 2003 when I retired, I was employed by Verizon New England, Inc. as a Resource Manager in the Control Center located in Woburn, Massachusetts.
2. I held the following positions at Verizon or its predecessors in interest (New England Telephone & Telegraph Company, NYNEX and Bell Atlantic-New England) since June 3, 1963:
  - a. Clerk in the accounting department;
  - b. Lineman in the line department;
  - c. Head lineman in the line department;

- d. Line supervisor in the Arlington area line department, which includes Bedford;
  - e. Local Engineer in the Arlington area engineering department; and
  - f. Resource Manager in the Control Center.
3. My duties since 1963 in the various positions listed above have included, but are not limited to: stringing cables, placing poles, replacing poles, troubleshooting with respect to placement of cables and poles and managing construction operations in the Arlington area.
4. Based upon my training and experience, I am familiar with the Phone Company's custom and practice in engineering the placement and replacement of jointly-owned utility poles from the 1960's through the present.
5. Pursuant to a Joint Pole Agreement, utility poles in Bedford, Massachusetts are owned jointly by the Phone Company and the Electric Company.
6. According to records of Verizon, Pole #16/37 is located on Hartwell Road in Bedford and is jointly owned by the Phone Company and the Electric Company.
7. Records obtained from the Town of Bedford indicate that Pole #37 was originally designed and engineered by the Phone and Electric Companies in 1916. The Town of Bedford approved the design and engineering of the pole line on Hartwell Rd. on February 12, 1916 and ordered that the poles be placed within the public way in accordance with the engineering plans.

8. According to records of Verizon, the Pole was subsequently replaced, the latest time being in 1962. As a matter of course, utility poles are periodically replaced as they deteriorate, are damaged or if they otherwise become insufficient to safely support existing or proposed attachments.
9. As the designated custodian of all poles in Bedford, the Electric Company is responsible for inspecting, maintaining and replacing all jointly owned poles.
10. The Electric Company may not, however, erect or replace a jointly owned pole without first conferring with engineers from the Phone Company.
11. Since at least the early 1960's, the Phone Company's custom and practice has been to send one of its engineers to investigate the site of a proposed jointly owned pole in Bedford before it is erected or replaced.
12. During such a site visit, a Phone Company engineer customarily considers the proposed pole or proposed replacement pole in regard to its relation to the existing or proposed pole line. The engineer considers whether the proposed pole meets the proper specifications to support the Phone Company's attachments safely.
13. A Phone Company engineer also considers whether a pole needs to have a guy wire and, if so, what the easements dictate.
14. Finally, a Phone Company engineer ensures that the placement or replacement of the proposed pole complies with the engineering and design standards promulgated by the Phone Company.

15. The Phone Company engineer then shares his or her observations as to what additional engineering, if any, will be required for proper placement or replacement of the pole with the Electric Company.
16. After the two companies' engineers agree on the engineering required for the placement, replacement or design of the pole, the Electric Company erects the new pole.
17. This was the Phone Company's custom and practice for all poles located in Bedford from at least the early 1960's through the time of my departure in 2003.
18. Pursuant to the Joint Pole Agreement, the Electric Company is responsible for the inspection and maintenance of all poles located in Bedford. Therefore, after Verizon participates in the design, engineering, placement and/or replacement of a pole as described above, the Phone Company does not conduct site visits for pole inspection or maintenance purposes.
19. In responding to discovery requests from the Plaintiff in connection with this litigation in the spring of 2003, a search of the relevant records was performed for information relating to poles on Hartwell Rd. in Bedford, including for information relating to Pole #16/37 and relating to the guardrail which was apparently located near Pole #16/37.
20. Prior to this litigation, Verizon had no information relating to the installation or existence of the guardrail. Verizon had no record of performing any work on Pole #16/37 after the pole was replaced in 1962. Verizon had no record of any accidents involving Pole #16/37 prior to this litigation.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 13th DAY OF  
MACRH, 2007.

  
Richard M. Horan